

TENTATIVE RULINGS for CIVIL LAW and MOTION
December 17, 2009

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department 15: (530) 406-6942

TENTATIVE RULING

Case: In re Matter of Jamie Ewalt
Case No. CV P2 09-206

Hearing Date: December 17, 2009 Department Fifteen 9:00 a.m.

The petitioner and the minors are directed to appear by telephone or to show good cause why the petitioner and the minors should not be required to appear. (Cal. Rules of Court, rule 7.952.) If the petitioner and the minors choose to show good cause, they should do so by filing a declaration before the hearing setting forth the facts supporting good cause. If the parties fail to appear by telephone at the hearing and the court has not excused their appearance, the petition will be denied without prejudice. No request for a hearing is required.

TENTATIVE RULING

Case: Lane Supply, Inc. v. Ameri Oil Company, Inc., et al.
Case No. CV G 07-2702

Hearing Date: December 17, 2009 Department One 9:00 a.m.

Plaintiff Lane Supply, Inc.'s motion to compel the defendants to respond to its request for production of documents and for monetary sanctions is **DENIED WITHOUT PREJUDICE**. Plaintiff did not file a proof of service showing service of a copy of the moving papers on the defendants. (Cal. Rules of Court, rule 3.1300, subd. (c).)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: People v. Motta
Case No. CV PT 09-3046

Hearing Date: December 17, 2009 Department Fifteen 9:00 a.m.

The hearing in this case must be by jury, unless waived by consent of all parties. (Health and Safety Code, § 11488.5, subd. (c)(2).) This matter is ordered to be tried in conjunction with the

related criminal action, Yolo County Superior Court Case No. CR F 09-4865. (Health and Safety Code, § 11488.4, subds. (i)(3) and (i)(5). The defendant must be convicted in the related criminal action.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: Yefremov v. Ganchenko
Case No. CV CV 09-1223

Hearing Date: December 17, 2009 Department Fifteen 9:00 a.m.

Cross-defendants' demurrer to the third cause of action in the cross-complaint is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) Cross-complainant failed to plead sufficient facts to constitute a cause of action. The pleading standard for fraud against a corporation requires the cross-complainant to allege the names of the person who made the allegedly fraudulent representations, their authority to speak, to whom they spoke, what they said or wrote, and when it was said or written. (*Tarmann v. State Farm Mut. Auto Ins. Co.* (1991) 2 Cal.App.4th 153, 157.) There are no allegations in the fraud causes of action in the cross-complaint as to who from Allen Auto Sales and Dismantling made the allegedly fraudulent statements, to whom they were made, their authority to speak and when the statements were made.

The request for Judicial Notice is **GRANTED**. (Evid. Code, § 452, subd. (d).)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: Young v. CBS Broadcasting, Inc.
Case No. CV CV 09-449

Hearing Date: December 17, 2009 Department One 9:00 a.m.

This matter is **CONTINUED** on the Court's own motion to Thursday, February 11, 2010, at 9:00 a.m. in Department Fifteen.